

SITE PLAN

ASPHALT MANUFACTURING FACILITY

540 GROTON ROAD (ROUTE 40)

WESTFORD, MASSACHUSETTS

NOTES:

1. TOPOGRAPHIC AND PLANNING INFORMATION OBTAINED FROM AN AERIAL PHOTO CONDUCTED BY EASTERN TOPOGRAPHICS, WOLFBERG, NH, SCALE: 1"=40' CONTROL NUMBER: 2 PHOTO DATE: 20 APR 2006 (1:4200) COMPILED DATE: 12 NOV. 2007.
2. GROUND CONTROL BY LANDTECH CONSULTANTS, INC. THIS MAPPING WAS CONDUCTED USING AERIAL PHOTOGRAPHY AND AERIAL PHOTOGRAPHIC DIGITAL TERRAIN MODELING (DTM) METHODS WITH KIT AVIS SOFTWARE. DIGITAL FILE NAME: 10633X.AVI. ANY USER SHOULD DETERMINE THE SUITABILITY OF THIS DATA FOR THEIR APPLICATION. THE USER ASSUMES ALL LIABILITY FOR ANY CONNECTION THEREWITH. NOTE: BUILDING CORNERS AS SHOWN REPRESENT TOP LINES AS COLLECTED FROM AERIAL PHOTOGRAPHY.
3. BOUNDARY INFORMATION SHOWN HEREIN IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN NOVEMBER 2007 AND FROM EXISTING DEEDS AND PLANS.
4. UTILITY INFORMATION SHOWN HEREON WAS TAKEN FROM INFORMATION SUPPLIED BY THE USER. THE USER ASSUMES ALL LIABILITY FOR ANY INFORMATION USED IN CONSTRUCTION. "BIG SAGE" MUST BE NOTICED A MINIMUM OF 72 HOURS IN ADVANCE PRIOR TO ANY EXCAVATION.
5. FLAGGED WETLAND LOCATIONS SHOWN ON THE MAP WERE PROVIDED BY A FIELD SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. ON NOVEMBER 2007. THE ROAD, SUITE 151, TINKERSBURY AVE. 01074, NOVEMBER 2007. THE MINUTEMAN ROAD, SUITE 151, TINKERSBURY AVE. 01074, NOVEMBER 2007. THE MINUTEMAN ROAD, SUITE 151, TINKERSBURY AVE. 01074, NOVEMBER 2007. THE MINUTEMAN ROAD, SUITE 151, TINKERSBURY AVE. 01074, NOVEMBER 2007.
6. THE FIELD LOCATED BY LANDTECH CONSULTANTS, INC. IN DECEMBER 2007 AND THE FIELD LOCATED BY LANDTECH CONSULTANTS, INC. IN DECEMBER 2007 IN 2008 BY THE WESTFORD CONSERVATION COMMISSION. AS MASS DEP. FILE #334-1402-054.
7. THE SUBJECT PARCEL IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA OF THE TOWN OF WESTFORD. THE FLOOD HAZARD RATE IS ZONE B & C ON THE COMBINED MAP NO. 200225.F000.B. EFFECTIVE DATE: JUNE 15, 1983.
8. THE MAIN PORTION OF THE PARCEL IS LOCATED IN WESTFORD LOCATED IN ZONING DISTRICT "A", INDUSTRIAL "A".
ZONING DISTRICT: INDUSTRIAL "A" (A)
MINIMUM LOT AREA: 40,000 S.F.
MINIMUM LOT COVERAGE: 20%
MINIMUM BUILDING SETBACKS:
FRONT: 35 FEET
REAR: 30 FEET
9. A PORTION OF THE PARCEL IS LOCATED IN CHELMSFORD AND IS IN ZONING DISTRICT "A", LIMITED INDUSTRIAL "A".
ZONING DISTRICT: INDUSTRIAL "A", LIMITED INDUSTRIAL (A)
MINIMUM LOT AREA: 40,000 S.F.
MINIMUM LOT COVERAGE: 20%
MINIMUM BUILDING SETBACKS:
FRONT: 40 FEET
REAR: 30 FEET
10. SECTION 9.4 - SITE PLAN REQUIRED FORM THE WESTFORD PLANNING BOARD.
11. SECTION 9.5A - SPECIAL PERMIT FOR MAJOR COMMERCIAL DEVELOPMENT FOR A LIGHT MANUFACTURING FACILITY.
12. SECTION 8.1 - SPECIAL PERMIT FOR THE STORAGE OF #2 FUEL OIL IN A WATER RESOURCE PROTECTION OVERLAY DISTRICT (WPOD).
13. STORM WATER MANAGEMENT BY-LAW - SPECIAL PERMIT.

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APPLICANT

NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

CO-APPLICANT

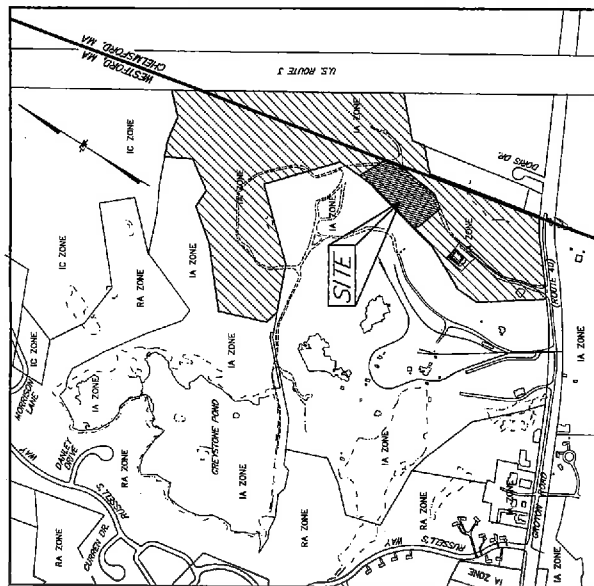
540 GROTON ROAD LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

RECORD OWNER

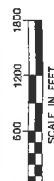
540 GROTON ROAD LLC
64 BURKE STREET, SUITE #1
ASHUA, NH 03060

SITE LOCATION:

ROUTE 3
WESTFORD, MASSACHUSETTS



LOCUS PLAN



ISSUE DATE: APRIL 5, 2009
REVISED: JULY 31, 2009
OCTOBER 30, 2009
DECEMBER 31, 2014
FEBRUARY 13, 2015
MARCH 26, 2015



Landtech
Consultants
Engineering/Design/Surveying/Permitting
5515 Groton Road - Westford, MA 01581
(508) 892-1100 - landtech.com

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JOB No. 09-102 DRAWING No. 8915

CG No. 09-102

[illegible]

3. THE PROPOSED USE OF THE BUILDING IS A MAJOR BATCH PLANT AND REQUIRES SITE PLAN APPROVAL, AND A SPECIAL PERMIT FOR A HAZARDOUS BUSINESS COMPLEX, IN ACCORDANCE WITH THE TOWN OF WESTFORD ZONING REGULATIONS.
4. SIGNAGE WILL CONSIST OF GROUND SIGNS AT SITE ENTRANCES, AND SIGNS AFFIXED TO THE BUILDING AND FACADE IN ACCORDANCE WITH THE WESTFORD ZONING REGULATIONS.
5. SITE AND BUILDING LANDSCAPING WILL MEET OR EXCEED THE MINIMUM STANDARDS AS REQUIRED IN THE WESTFORD ZONING BYLAWS.
6. THE SITE IS LOCATED IN THE TOWN OF WESTFORD'S WATER RESOURCE PROTECTION DISTRICT 3.

ALL PLANT STOCK SHALL CONFORM TO ANSI Z260.1 - NURSERY STOCK, LATEST EDITION (AMERICAN ASSOCIATION OF NURSEMPEN, INC.).

NO TREES OR SHRUBS SHALL BE PLANTED AT THE STREET INTERSECTION WHERE THEY COULD BECOME A TRAFFIC HAZARD BY OBSTRUCTING VISION.

ALL TREES SHALL BE GUARANTEED BY THE DEVELOPER FOR THEIR ENDURANCE AND GOOD HEALTH FOR TWO (2) YEARS AFTER PLANTING.

EXCEPT AS NOTED BELOW, ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOANED AND RESEEDED. LOAN TOPSOIL SHALL BE A MINIMUM OF 6 INCHES. ALL LOAN PLACED SHALL BE

ALL EXTERIOR LIGHTING SHALL BE SHIELDED AND AIMED SO THAT THE LAMPS CAN NOT BE SEEN FROM OUTSIDE THE PROPERTY.

NO LIGHT FIXTURES MAY BE USED IN A MANNER THAT PRODUCES A GLOOM OR A DIRECT BEAM OF LIGHT THAT IS UNDESIRABLE TO ADJACENT PROPERTIES.

NO LIGHT FIXTURES MAY BE AIMED AT THE SKY OR TOWARD ANY AREA STRUCTURE, OR SURFACE THAT IS NOT SITUATED ON THE PROPERTY.

SECURITY LIGHTING IS PERMITTED ONLY IF IT IS DIRECTED TOWARD THE STRUCTURE BEING PROTECTED, NOT AWAY FROM THEM.

WALL-MOUNTED FIXTURES SHALL BE AIMED DIRECTLY DOWNWARD AND PACKEDLY SHIELDED.

NO EXTERIOR LIGHT SOURCE SHALL BE INSTALLED MORE THAN 20 FEET ABOVE GRADE.

MOVING LIGHTS, LIGHTS PRODUCING FLASHING OR CHANGING COLORS, AND SEARCH LIGHTS ARE PROHIBITED.

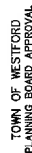
TRADITIONAL DECORATIVE HOLIDAY LIGHTS MAY BE OPERATED ON A TEMPORARY BASIS.

IT IS RECOMMENDED THAT LAMPS USING THE LOWEST EFFECTIVE WATTAGE ARE INSTALLED, AND, THAT SUBSTITUTIONS BE MADE TO MAINTAIN THE LOWEST POSSIBLE WATTAGE.

ALL SUBSTITUTIONS AND CHANGES SHALL BE APPROVED TO AN ADEQUATE THIER THAT REGULATE THE LIGHTS TO SHUT OFF AT NIGHT. THE TIME IS TO BE DETERMINED BY BUILDING MANAGER.

SEE LIGHTING PHOTOGRAPHIC PLAN (SHEET) FOR ANY ADDITIONAL NOTES AND DETAILS.

STATIONARY STRUCK LINE	
CONTOUR	
EDGE OF PARAPET	
STATIONARY BERM	
BOUNDARY LINE	
STONE WALL	
UTILITY POLE OR ELECTRIC TELEPHONE & CABLE	
RAILROAD LINE	
STORM DRAIN	
ORGANIC FLOW ARROW	
ROADWAY	
WATER CATCH BASIN	
EDGE OF WETLANDS	
WETLANDS SYMBOL	
WETLAND BUFFER	
CHARMBLANK FENCE	
SUBSTANCE WITH STRAY NATLES	
STAINED HAYMALES	
STATIONARY OBSERVATION HOLE	
WELL	
TREE	
RETAINING WALL	



TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

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Downloaded from <http://ajphaphysocpharm.sagepub.com> at 10/24/2014 10:54:31 PM



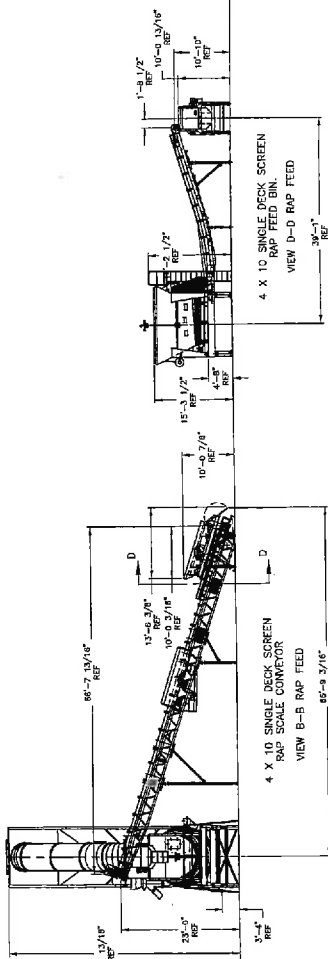
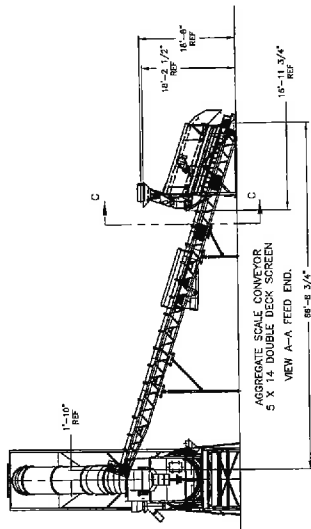
GRAVITY WALLS	WALL HEIGHTS	BURY DEPTH	LEVELING PAD	BLOCK DEPTH
	0'-4 5/8"	6"	6"	28"
	0'-6"	6"	6"	41"
	0'-8"	12"	12"	41"

SIGN DETAIL
NOT TO SCALE

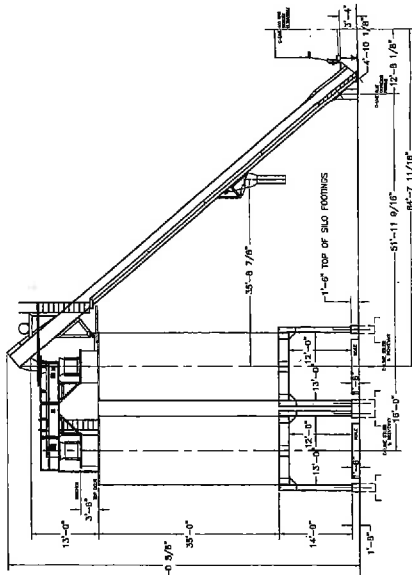
STOP SIGN
NOT TO SCALE

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PLEASE VIEW PLANT WITHOUT PLAN VIEW FOR EQUIPMENT CONNECTIONS.
THIS DRAWING IS SUPPLIED FOR INFORMATION AND IS NOT MEANT FOR CONSTRUCTION.

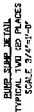
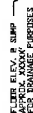


NOTE: THIS DRAWING IS INTENDED TO SHOW GENERAL ARRANGEMENT ONLY. ALL DIMENSIONS AND EQUIPMENT ARE APPROXIMATE AND SUBJECT TO CHANGE PENDING FINAL ELEVATIONS BY ENGINEER.

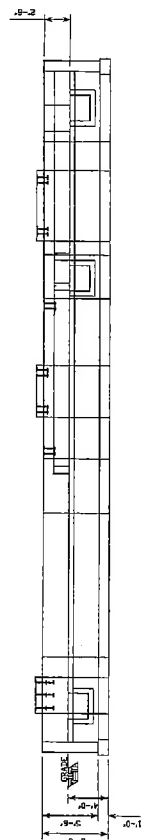


EXIPPEN 12.76 SPIT-1 EVF (Left Hand - ARMCC)

[illegible]

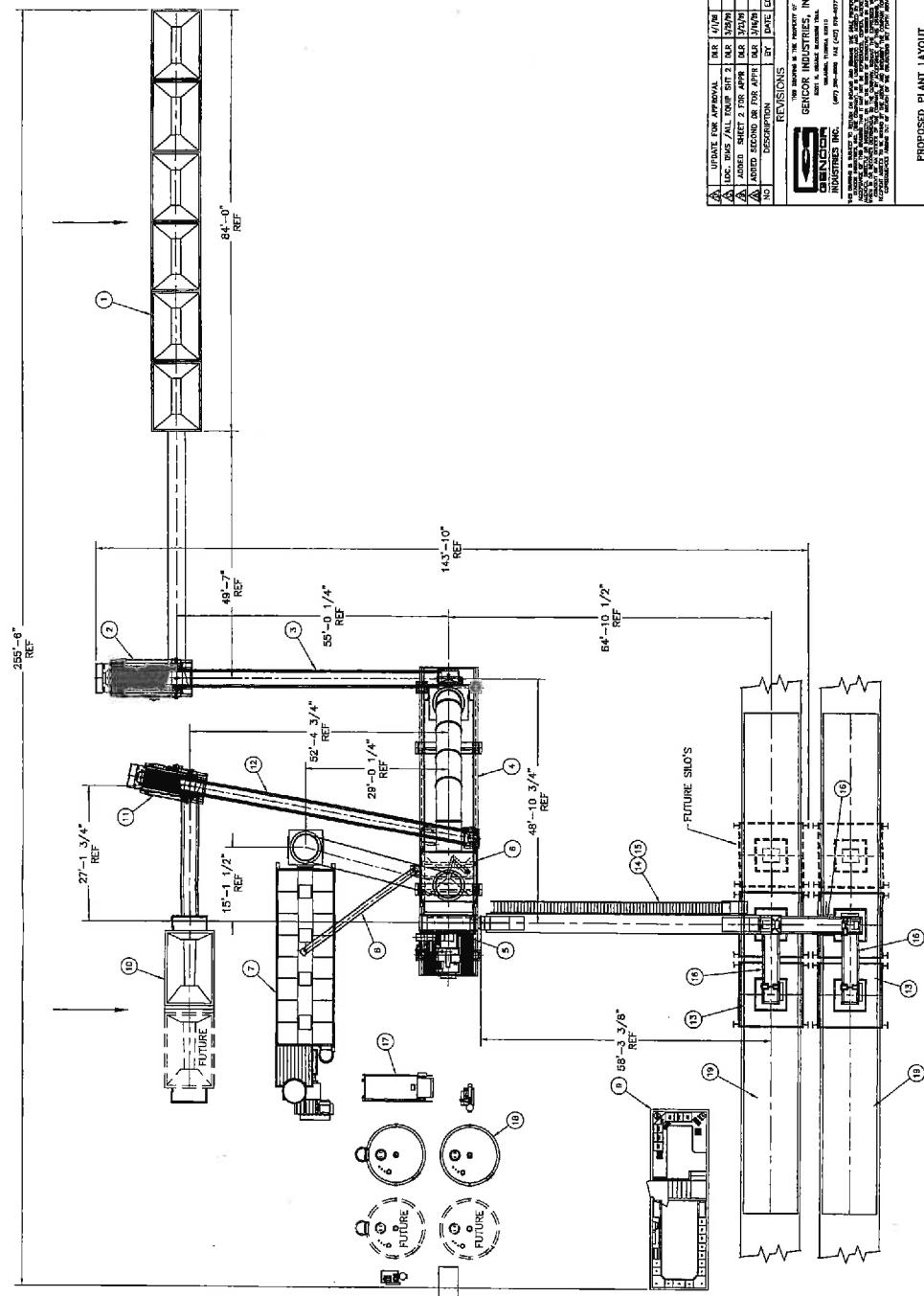
[illegible]

TANK FARM FOUNDATION PLAN

[illegible]

DATE	MADE BY	DATE
10-10-05		

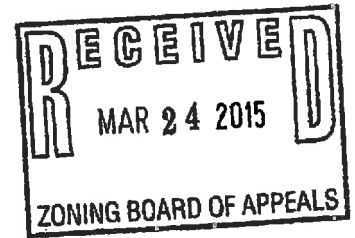
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NOTE: THIS DRAWING IS INTENDED TO SHOW GENERAL ARRANGEMENT ONLY. ALL DIMENSIONS AND EQUIPMENT ARE APPROXIMATE AND SUBJECT TO CHANGE PENDING FINAL ELEVATIONS BY ENGINEERING.

DESCHENES & FARRELL, P.C.

Attorneys at Law
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Westford, MA 01886
Telephone: (978) 496-1177
Facsimile: (978) 577-6462



Douglas C. Deschenes
Kathryn Lorah Farrell
*Melissa E. Robbins**

**Admitted in MA and NH*

March 24, 2015

Westford Zoning Board of Appeals
55 Main Street
Westford, MA 01886

MAR

**RE: BOA 1501 SP (2) Var (2)-20 Commerce way (also known as 540 Groton Road)
(Newport Materials LLC and 540 Groton Road)
Request for Reconsideration and Reopening of the public Hearing**

Dear Members of the Board:

On March 18, 2015, your Board held a continued public hearing in order to consider the above referenced Special Permits and Variances on behalf of Newport Materials. It is the Applicant's position that the votes taken that evening were advisory in nature to allow staff to draft a decision for discussion purposes and not final votes of the Board. Our understanding is that the final votes will be taken at the next meeting of the Board.

It is also the Applicant's position that the actions taken by the Board at the hearing were a result of confusion, compounded by illegal interruptions and disruptive behavior by opponents of the project. For instance, during the Special Permit vote, after the vote to close the public hearing, Scott MacKay made a motion to approve, which was then disrupted by the Town Planner, Jeffrey Morrisette. Jeffery Morrisette stated that it was the staff's recommendation that final action not be taken until the decision be reduced to writing, the Chairman at that time, with the open motion on the floor, agreed to the position of the Town Planner stating that:

"No matter what action we take tonight will not be finalized because I want it reduced in writing that the Board can review at our next month's meeting so finalization in the term final will not be until next month."

Mr. Hermann and Mr. Ennis then go on to discuss the procedure, and the Chairman's position that they are going to take a vote so that the staff can draft the decision in the affirmative or the negative. Mr. Ennis during the discussion states so this is a "vote to get to the vote". The Chairman and Jeffrey Morrisette go on to state that they would like the benefit of the draft decision, and Mr. Morrisette states that this would be the recommendation of the staff. The Board is then disrupted by a member of the public, who although is informed that the public hearing is closed and his statements would not be part of the public record, continued to make their statement which was followed by clapping by the general public. The motion is then seconded, then the Board proceeds to vote.

During the vote on the Variance for sound the public again disrupted the voting procedure. There was a motion on the floor, and before it was seconded, a member of the public again started speaking. This person continued to be disruptive while the language of the vote was being deliberated, and again, while there was motion on the floor. This person was not asked to leave the meeting although the Chairman did try to control her behavior. Furthermore, due to the fact that the public hearing was closed the Applicant was not given an opportunity to respond to her allegations. It is well established in Massachusetts that the open meeting law confers no right upon those in attendance to address the board in such a situation. *Yaro v. Bd. of Appeals of Newburyport*, 10 Mass. App. Ct. 587 (1980) (construing G.L. c. 39, § 23B).





For all the reasons stated herein it is the Applicant's request that the hearing be reopened and that a final vote on the above referenced Special Permits and Variances be taken at the next meeting of the Board. Furthermore, the Applicant would request that the hearing be held in a venue with proper space to accommodate the public and the Applicant. Also, the Applicant would request that in conformance with the Open Meeting law, should the public be unruly, especially where a public hearing has been closed, that the disruptive party be requested to leave the hearing.


Thank you for your time and consideration to this matter.

Sincerely,
Deschenes & Farrell, PC


Douglas C. Deschenes

DCD/cas

From:  Brant Berglund <brantberglund@gmail.com> Tue, Mar 31, 2015 4:55:21 PM  
Subject: For the Public Record RE: Newport Materials Groton Road
To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (6K)

Jeff,

I wish to point out a few things for the public record:

1) There is growing ire among Westford citizens in regard to the boards understanding of the "redefinition of quiet" at 75 DB. Certain board members, prior to the vote on 03/18/15, openly said, "I don't know what I am voting on" and requested time to understand before voting, which Robert Hermann denied and pressed on for a vote regardless of the confusion on the matter.

There needs to be clarification to the public on this definition:

"No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA (decibels) or 10 dBA (decibels) above ambient, whichever is lower, when measured at the property boundary of the receiving land use."

Current public perception is that because they are planning to operate well over the allowed 10 db above ambient increase (which 53 db), then the 70/75 waiver is not relevant, unless the Zoning Board erroneously misinterprets what Judge Sands has said, which it is feared to have occurred at the 03/18/2015 meeting.

It is the consensus of many of us that with the way the applicant phrase their request for variance, the board responded to voting unanimously that 75 compared to 70 would be considered quiet, when it needs to be compared to the quieter of the two decibel levels, which is 10db louder than ambient or 43db, according to Judge Sands definition. This would be a major oversight by the Zoning Board.

We are looking for clarity into that matter, and feel the matter has not been put to rest until that time.

If the interpretation above is correct, is the zoning board aware that they have allowed Newport Materials to potentially operate at a decibel level 32db louder than ambient?

2) Given that there may be a change in the board members tonight, 03/31/2015, at the Zoning Board meeting where Newport will appeal the previous 2 variance applications in regards to site purpose, why will that version of the board be denied the ability to hear the concerns of the public that took place at the original denial of the variances on 03/18/2015?

Additionally, why is the public not allowed a chance to respond to any new information Newport Materials attempts to bring forward at tonight's meeting of the Zoning Board (03/31/2015)?

3) I would like the board to consider, again, that if any of the purposed variances were to be approved, the two sites that will be working in tandem as partners (Newport Material, and Fletcher Granite at Fletcher Quarry) will have potentially 5 Purposes between their two sites. This is in direct conflict with what the zoning of the area was established for originally. This even more at odds with the current landscape in the community, which now has had neighborhoods constructed in close proximity to these 2 sites since the original zoning, namely the massive Russells Way neighborhood surrounding Rita Miller School, but also including Greystone and Fernwood. If an Asphalt Plant were installed prior to the creation of these neighborhoods, it would be different.

OMI Industries, the company that produces the proposed Ecosorb Material to attenuate asphalt fumes, says it perfectly in their collateral which Newport Materials has distributed at a few of the Zoning and Planning Board meetings:

"When possible, hot mix plants are located in areas away from the residential and even commercial neighbors. Older plants find that although originally located in remote areas, the neighbors grow toward the plant and then complain about the odors associated with a facility that was there before them."




-pg 4 Ecosorb "Asphalt Industry" Pamphlet


I urge the Zoning Board to realize that you are actually allowing a company to move an Asphalt Plant to move into a heavily residential neighborhood with your decisions this evening, something the creator of the Ecosorb material Newport will use clearly advises against, "when possible."

It is possible, by assuring that they operate within the current town by-laws with a single purpose to their site.

Thanks for your consideration, as well as your dedication and time to the town and people of Westford.

Brant Berglund
Fernwood Drive

From:  Brant Berglund <brantberglund@gmail.com> Fri, Apr 10, 2015 10:25:18 AM 
Subject: Re: For Public Record- Property Value Concerns Around Asphalt Plant
To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (12K)

Jeff,
Greatly appreciate the opportunity to correct. Also fixed my sentence fragment in the middle of the email. I was racing to get it to you by 4. Updated below highlighted in green.

That was the cutoff for public record material for next weeks hearings, correct?

Thanks again for you work and diligence.

On Thu, Apr 9, 2015 at 3:22 PM, Jeffrey Morrisette <jmorrisette@westfordma.gov> wrote:

Hi Brant:

You may want to consider checking the link for the Potential Health Risks, as it seems to be a repeat of the Tax Implications. Thank you.

Jeff

Jeffrey Morrisette
Town Planner
Town of Westford
55 Main Street
Westford, MA 01886
jmorrisette@westfordma.gov
Telephone: [978.692.5524](tel:978.692.5524)
Facsimile: [978.399.2732](tel:978.399.2732)

Brant Berglund <brantberglund@gmail.com> on Wednesday, April 08, 2015 at 3:59 PM -0400 wrote:

Looking at a plant that is in Pineola, North Carolina, average values of homes have dropped 27%.

<http://www.bredl.org/air/flyers/Pineola/index.html>

Additionally, one contention in a denial of an asphalt plant application by a Planning and Zoning Board in Lisbon NH/Sugar Hill NH was indeed property value damage/depreciation. Here is a letter detailing what was prepared by their real estate expert:

<http://stoppresbyasphaltplant.org/TaxImplicationsUpdate32515.phtml>

In general the case in Lisbon/Sugar Hill NH needs to be closely examined. The application was denied there based off:

Potential Health Risks:

<http://stoppresbyasphaltplant.org/Health.phtml>

Damage to property values:

<http://www.bredl.org/air/flyers/Pineola/index.html>

General Operational concerns:

<http://stoppresbyasphaltplant.org/GeneralAsphaltInfo.phtml>

In general, if there is not enough information present to ensure property values health, and quality of life will not be effected to safely approve this application prior to the imposed deadline, you must deny the application. The by-laws and zoning laws are designed to be rigid, and protect the town and it's residents in these situations.




For a town that still does not have a food based drive through business due to it's dedication to the standards at the town core, you simply **cannot** rush to approval of something as drastic as an asphalt plant simply because of an imposed deadline.

More litigation is still far better than setting a dangerous precedent that Westford is disregarding it's residential nature and returning to the industrial nature of the late 1800s.








Thanks for your continued diligence in this and all matters in Westford,


Brant Berglund
Fernwood Drive

All email messages and attached content sent from and to this email account are public records unless qualified as an exemption under the Massachusetts Public Records Law.

From:  Brant Berglund <brantberglund@gmail.com> Sat, Apr 04, 2015 2:16:54 PM  

Subject: Re: Attention Requested: ZBA Conduct & Commerce Way Asphalt Plant

To:  **Jeffrey Morrisette**  shazelton@westfordma.gov
 kross@westfordma.gov  asweet@westfordma.gov
 dsiriani@westfordma.gov  jsullivan@westfordma.gov
 jross@westford.gov

Attachments:  Attach0.html / Uploaded File (13K)

Apologies. Including Jody Ross also. Please see below.

Thanks!

On Sat, Apr 4, 2015 at 12:37 PM, Brant Berglund <brantberglund@gmail.com> wrote:

Board of Selectmen, Town Manager, Town Planner,

The level of awareness surrounding the ZBA Variance Public Hearing as requested by Newport Materials needs to be closely scrutinized by the upper management and staffing of the town of Westford.

I will be sending along a plea regarding the situation my family and I face less than 3 years after moving here, and how it is not atypical in the permanent financial and personal effect the decisions the ZBA and Planning Board will have on it, but to keep this succinct, I will separate the two topics.

Without being a legal expert, or an expert on town government, I have tried to view the situation as one property owner, asking the town for something, and the town deciding on what is best for not 1 property owner, but all residents in Westford (and surrounding towns). After the reopening of the public hearing on 03/31/2015 by the ZBA. and most notably, Richard Herrmann, I have no lost my ability to feel that this how this situation is being handled.

For the public record, here is what I have witnessed at ZBA hearings on 03/31/2015 and 03/18/2015:

- 03/31/2015 Richard Herrmann rushing to a vote to reopen the hearing before fully understanding what is required for him to consider doing so.

- 03/31/2015 Richard Herrmann ignoring the advice of town paid for legal counsel that the hearing only need be reopened if the applicant had brought forth new evidence.

- 03/31/2015 Richard Herrmann disagreeing with town legal counsel as well as board member Dave Earl, who had both read the new letters sent by the applicant prior to that ZBA meeting. Herrmann weakly stated they had new details, while Earl and Legal Counsel both emphatically stated they were summary letters and did not. At no time did Herrmann detail the new evidence he was referring to.

- 03/31/2015 Richard Herrmann saying: "Well, we already voted anyway" and "In the end, I just think the applicant deserves it."

- 03/18/2015 Richard Herrmann rushing to a different vote previously, (nearly certain it was the variance on the definition of "quiet") when members of the board requested a delay citing verbatim, "I really don't even understand what we are voting on." Jeff Morrisette clearly stated they did not need to vote tonight, but Herrmann proceeded anyway.

- 03/18/2015 Richard Herrmann chiding and demeaning a concerned citizen who had approached the microphone in an organized manner using questions he had entered in his smartphone with "are you done?" and "is someone texting you these questions?". Most importantly, Herrmann did not redirect any of the citizen's questions to the applicant, only staring blankly at him. Most notably, the question that needs to be addressed by the applicant is "Why are the investing money in building a facility that can produce **DOUBLE** the amount of asphalt allowed by current proposed stipulations of the land court and town of Westford?" Why would a business DOUBLE it's building cost, to operate at half it's potential from a revenue perspective? The time to recur an ROI would be doubled. This lack of redirection of public concerns looking for answers from the applicant through the ZBA has been a constant in the 3 or 4 meetings my wife and I have attended.

I officially request, as a tax payer, that the following questions be answered by someone on this email:

1) Is this the way that town officials are to conduct themselves? As taxpayers, We assume we are paying for the legal support team. it seems ridiculous to me that the stern advice of legal counsel can be so quickly overlooked and unused, because "I think they deserve it."

2) Does one official have the ability to wield "because I said so" power? It is our contention that this case has been inappropriately reopened, without the proper evidence to do so, and now the applicant is given more time to prepare and learn from there first attempt, in a "do over" with a far better chance at success. Are applicants truly allowed to "appeal" to reopen, with the grounds that they will have more evidence by the time the hearing officially resumes? It would seem that is why, as town counsel says, that **new evidence must be present at**

the time of the request to reopen the public hearing to be considered. This requirement was clearly and openly omitted by Richard Herrmann and the ZBA members who voted in favor of reopening.

3) If the above is correct, can another town official overrule the ZBA's decision to reopen and keep the Appeal for Variance public hearing closed. If not, as a citizen, can someone prior to the follow up meeting, bring forth a motion to "revote" to have this case to remain closed on the grounds that as of 03/31/2015 no new applicant information was presented? Can an applicant truly continue to appeal until they get there way, even as various members are present or not present for voting?

4) Can the residents of this town use the town provided legal counsel for it's own advice on our rights, since the ZBA chair so callously tossed it aside? If not, why are we paying for legal counsel that goes unused? Can the citizens request their own legal counsel to be paid for by the town (i.e. tax dollars), much like public defendants are available to protect the rights of the accused, when they cannot afford an attorney?

Given the truly life changing critical nature of these decisions, and the fact that there is simply no procedure or demonstrable protocol to the manner in which Richard Herrmann allows this meetings to proceed, we as tax paying property owning residents of Westford demand that the ZBA meetings be scrutinized and attended by the Board of Selectman, the Town Manager, and other elected officials.

The general confusion among residents is mounting as we struggle to find our rights. Our families, homes, health, and financial investments face those far more seasoned then we are in these affairs, including a former Attorney General in Tom Reilly, and a former Westford Affordable Housing Committee Official in Attorney Douglas Dechesnes (who was cited and fined for ethics violations, docket number 06-0002, by the State Ethics Commission).

Westford and Chelmsford residents are mobilizing on this topic rapidly, and have begun to:

- Contact the Attorney General of the State of Massachusetts
- Contact Elected State and Federal Officials
- Contact Attorney's in regards to our rights as citizens when zoning exceptions are made in detrimental fashion to our heath, property and investments
- Form activist groups, create petitions, and publicity campaigns to raise awareness and participation

I politely, but sternly recommend, that there be an emergency town meeting to address the concerns of the citizens on this topic. The residents have given impassioned pleas to the ZBA and Planning


Board during public comment session, but that is hardly the forum for the entire town to voice it's concerns. The applicant should have no place in this Town meeting, as it is about the rights and concerns as tax payers and **residents** of the town.

The town of Westford is facing a huge storm and backlash around these decisions. We as residents, if not allowed to effectively impact the decisions prior to an ultimate decision by the ZBA and Planning Board, will **without question** be impacting the future of the town by taking our tax payer dollars elsewhere in a mass exodus, or at the very least with our votes to restructure the towns decision making structure.

Thank you earnestly for your public service and attention to this life and future changing topic.



Respectfully,
Brant Berglund and Family
Fernwood Drive

From:  Jocelyn Bishop <jocelynbishop@ymail.com>
 Jocelyn Bishop <jocelynbishop@ymail.com>

Wed, Apr 29, 2015 5:07:58 PM 

Subject: ZBA Meeting 5/6

To:  **Jeffrey Morrissette**

Attachments:  Attach0.html / Uploaded File (3K)
 Asphalt Letter.docx / Uploaded File (21K)

Hi Jeff -

I'm not sure if my letter from 4/10 addressed to both the Planning Board and the ZBA has made it into the ZBA packet. If it hasn't, could you please include it? I'm attaching it for your reference. Thanks very much.

Jocelyn Bishop

4/10/2015

Town of Westford
Planning Board and
Zoning Board of Appeals
Town Hall
55 Main Street
Westford, MA 01886

Re: Proposed Asphalt Plant

Dear Planning Board and Zoning Board of Appeals Chairs and Members,

I am writing to you regarding the proposed asphalt plant as a concerned citizen of Westford and also on behalf of my children, who are 3 and 9 years old. We reside at 270 Groton Road in Westford. The proposed asphalt plant would negatively impact my family in several ways:

1. I commute into Boston almost every weekday via Route 3, coming eastbound on Route 40. I am often caught behind a truck pulling out of Newport Materials, forced almost to a standstill while breathing harmful emissions from the truck's exhaust as I wait for the truck to accelerate. If there are an additional 250 truck trips per day in and out of Newport Materials, there will be substantial traffic jams and increased truck exhaust emissions.
2. My 3 year old attends Westford Children's Learning Center from approximately 8AM to 6PM every weekday. My 9 year old also attends after-school care there. The time that they spend outside is already precious. If the proposed asphalt plant is allowed, they will not be able to safely go outside because of the increased ambient sound and noxious chemical particulates in the air. If they do go outside, what is the risk? Based upon all of the public information on the toxicity of asphalt, would you feel comfortable allowing your children or grandchildren to play outside, less than ¼ mile from an asphalt plant?
3. I live on Groton Road, approximately 2 miles from Newport Materials. We have lived in this house for over 10 years and with the increase in truck traffic through the years, the value of our house has not increased as it may have otherwise. Even now, I sometimes cannot hear people talking, or even yelling, while we're in our yard. With an additional 250 truck trips per day in the vicinity and an asphalt plant so close, the value of our house will continue to decline. I do not understand how the sound analysis that was performed could not include noise created by the trucks, and I respectfully request that the Boards re-evaluate this element of the analysis.
4. Assuming we don't move (and if the asphalt plant does come, we will move), my 3 year old will attend Miller School, already a school with one of the highest asthma rates in the state.



5. My family and I own a cottage in Summer Village, also approximately 2 miles from the proposed plant. We all swim in Long Sought For Pond. Who's going to seek the Pond, swim in it, or eat its fish when it's polluted through ground water and air contamination? One of the key attractions of Summer Village is that everyone's outside all day long. Are we going to be able to do this without risking our health? And, of course, what about negative impact to the value of the cottages?


The 5 factors listed above are not just how the proposed asphalt plant would negatively impact me and my family, but hundreds of other families in the vicinity. I greatly appreciate your hard work and dedication spent on this difficult case, and I applaud those of you who have denied Newport Material's petitions and requested waivers. For those who are undecided or in favor of the plant, please consider the factors above, not just how they'll impact my family but yours, as residents of Westford, as well.


In conclusion, I appreciate your consideration and I respectfully request that the Planning and Zoning Boards deny all of Newport's petitions and requested waivers.

Sincerely,

Jocelyn Bishop

From:  Andrea Watson <andreadawnwatson@gmail.com>
Subject: ZBA Asphalt plant vote
To:  **Jeffrey Morrisette**

3/31/2015 3:14:49 PM 




Attachments:  Attach0.html / Uploaded File (2K)



Hi Jeff,

I can not attend the meeting tonight, but I would like this email to be part of the public record. As a town resident who resides near Route 40, I am adamantly opposed to the asphalt plant. These plants are public health hazards and will greatly affect the air quality in the areas around Route 40. In addition, the proposed site is less than a 1/2 mile from Miller School, and will affect all of the children who attend. I urge the board to vote No on these requests.

Sincerely,

Andrea Watson
13 North Main St.
Westford, MA 01886

From:  Margaret Carlson <kmcmoc@yahoo.com>
Margaret Carlson <kmcmoc@yahoo.com>
Subject: Route 40 Proposed Asphalt Plant Concerns
To:  **Jeffrey Morrisette**
Cc:  "Kurt M. Carlson" <kurt.m.carlson@ampf.com>

Tue, Mar 31, 2015 3:23:12 PM  

Attachments:  Attach0.html / Uploaded File (14K)

Good afternoon. My name is Margaret Carlson and I live with my family at 23 Edwards Avenue Westford, approximately 1.25 miles away from the "proposed" asphalt plant.

I understand the Zoning Board has already voted and declined 2 out of 3 permits Newport Materials requested.

The federal Environmental Protection Agency (EPA) states "Asphalt processing and asphalt roofing manufacturing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxics may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritation." [EPA]. According to one health agency, asphalt fumes contain substances known to cause cancer, can cause coughing, wheezing or shortness of breath, severe irritation of the skin, headaches, dizziness, and nausea. [NJDHSS] Animal studies show PAHs affect reproduction, cause birth defects and are harmful to the immune system. [NJDHSS] The US Department of Health and Human Services has determined that PAHs may be carcinogenic to humans. [DHHS]


Both of my children have allergen induced asthma and take 3



medications twice a day to manage their ability to breathe without difficulty. My fear, as supported by the above information from the EPA, is my children will suffer greatly if the decisions to deny the two (2) permits is overturned.

As residents of Westford, we rely upon our zoning board members to act accordingly to preserve the safety and well being of all residents in Westford. Please do not change the zoning boards initial vote, please do not allow the permits to be issued. Thank you in advance for your consideration.

As a matter of record, my husband and I would like our concerns to be added to the public record.


Sincerely,
Margaret and Kurt Carlson
23 Edwards Avenue
Westford, MA 01886

From:  Merritt Friedman <mfriedman10@yahoo.com>
Merritt Friedman <mfriedman10@yahoo.com>

Tue, Mar 31, 2015 3:27:22 PM  

Subject: Proposed Asphalt Plant - Opposed

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (3K)



Dear Mr. Morrisette

Although I am unable to attend tonight's Zoning Board meeting, I'd like to add my name to the public record as opposed to the proposed asphalt plant.

Thank you


Merritt Friedman
61 Tenney Rd
Westford, MA

From:  Betsy Home <malynn529@aol.com>

Tuesday, March 31, 2015 3:42:11 PM  

Subject: Newport Materials

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (3K)

Mr. Morisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.


Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Thank you for your continued attention to this matter.

Betsy Malynn
49 Vine Brook Rd
Westford, MA 01886

Sent from my iPhone

From:  Kim Liner <kpliner@gmail.com>

Tuesday, March 31, 2015 3:58:56 PM 

Subject: Fwd: Asphalt plant

To:  **Jeffrey Morrisette**

Hello Jeff

>> I am writing with concern for the possibility of an asphalt plant in Westford. Not only is it close to my home but also close to Miller school where my children will spend most of their youngest years. We moved to this town 4 years ago because we loved the clean living, the farmers market, the hometown feel, the green grass and the sense of community this town exudes. I recently was made aware of the Newport plant and I am sickened. Every person I talk to about this seems opposed to this plant. How is it possible that I can't build a shed on my land or have a pool because it abuts conservation land but this company can come in and fill our air with toxins and build a plant this close to residents, families and schools. I am shocked that this ever made it past a simple conversation let alone a potential possibility. I am a pediatric nurse practitioner and although Newport states their chemical use is safe, I know that any product released into the air and water supply will have implications to our children. It is already shown that there has been a rise in asthma in the area of the granite company. Please don't let this happen. This is a great town with superior school systems, good people and is full of families looking for green living. Please don't let this plant move forward. I fear this town will go downhill fast and will change the type of town that Westford has become. Please consider voting against the asphalt plant. Please remember that this is a quiet town and is not an industrial park or city. Please remember to keep the health of the people and children as a priority.

>>

>> Thank you,

>>

>> Kimberly Liner

>>

>>

>>

>>

>>


From:  Vinod Bhardwaj <vinod.bhardwaj@gmail.com>

Tue, Mar 31, 2015 10:29:54 AM



Subject: Zoning Board of Appeals

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (5K)

Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.


Regards,

Vinod Bhardwaj

4 Lakeside Terrace

Westford, MA

From:  Ann Czado <amczado@yahoo.com>


Tuesday, March 31, 2015 4:28:25 PM 


Subject: Asphalt Plant -NO!!

To:  **Jeffrey Morrisette**

Please add me to the public record as saying please do NOT let a Asphalt plant operate next to my children's school.


Thanks
Ann Czado
15 Meadow Lane
Westford MA 01885
978 467 1329

From:  Tatiana Cotter <tatianamh@yahoo.com>
Tatiana Cotter <tatianamh@yahoo.com>

Tue, Mar 31, 2015 4:46:14 PM 

Subject: Proposed Asphalt Plant

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (12K)


Hello Jeff,


I am a Westford resident and am writing to voice my opposition to the proposed asphalt plant. The Environmental Protection Agency states:

Asphalt processing and asphalt roofing manufacturing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxics may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritation." [EPA]. According to one health agency, asphalt fumes contain substances known to cause cancer, can cause coughing, wheezing or shortness of breath, severe irritation of the skin, headaches, dizziness, and nausea. [NJDHSS] Animal studies show PAHs affect reproduction, cause birth defects and are harmful to the immune system. [NJDHSS] The US Department of Health and Human Services has determined that PAHs may be carcinogenic to humans. [DHHS]

There is an elementary school within a mile of the proposed site of the asphalt plant. Exposing anyone, let alone small children, to these toxins is unconscionable. An asphalt manufacturing facility has no business being located in a residential area, especially so close to a school. I am vehemently opposed to the building of an asphalt plant in our community and would like this email to be part of the public record on this issue.


Tatiana Cotter
52 Acton Road
Westford, MA 01886

From:  Katrina Avila Munichello <kavila@alumni.tufts.edu>

3/31/2015 4:52:44 PM 

Subject: Asphalt plant

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (3K)

Dear Mr. Morrisette:

I cannot attend this evening's zoning board meeting but I would like to state for the public record that I am opposed to the opening of an asphalt plant on Route 40.

1) The additional truck traffic would pose a substantial hazard to all of us who must travel Route 40 regularly. The on-ramp/off-ramps at exit 33 are sharp turns and ill-suited to heavy travel by this volume of large trucks. In addition, there have already been on-going dangerous conditions including multiple fatalities at the intersection of Route 40/Oak Hill Road. Adding 250 trucks per day will add further risk.

2) This site is within 1/2 mile of one school and a few short miles from another. The emissions and site contamination are an unnecessary risk to these children and the residents occupying the many homes nearby.

3) The volume will negatively impact neighbors. The sound variance approved was a drastic increase to the previously allowed volumes at this site and trucks beginning at 6:30 a.m. would be disturbing to all who live nearby.


4) An asphalt plant, producing 1200-1500 tons of asphalt daily, is not light manufacturing and it is disingenuous to present it as such.


We have refused this project once. The town must stand firm and protect the will of its citizens by keeping this project out of Westford.

Sincerely,

Katrina Ávila Munichello

14 Lucille Ave., Westford

From:  Sarah Nolan <sarah_nolan@verizon.net>

Tue, Mar 31, 2015 5:04:41 PM 

Subject: NO to the asphalt plant



To:  **Jeffrey Morrisette**

Dear Mr. Morrisette,

My family wishes to make it clear that we vehemently oppose the construction of an asphalt plant in town. Please make this a part of the public record.

Sincerely,
Sarah and Mark Nolan and family

From:  jennifer Noel <jennjune26@hotmail.com>

Tue, Mar 31, 2015 5:15:29 PM  

Subject: **Reject the asphalt plan**

To:  **Jeffrey Morrisette**

Hello

I am a concerned parent for the health and well being of my children attending Miller school if this asphalt plant is approved. Please reject the proposal by Newport.

I will be at the meeting tonight and hope it is an open forum to speak my opposition.


This is a horrible situation to push into this town.



Thank you and please do what is right for the best interest of this great,environmentally friendly town.

Jennifer Noel

Keyes rd

Sent from my iPhone

From:  Jennifer Noel <jennjune26@hotmail.com>

Tue, Mar 31, 2015 9:19:23 PM  

Subject: Public record



To:  **Jeffrey Morrisette**

Hello


I am a resident in westford asking that it be public record for the residents of this town on what goes on with Newport and the ZBA.


Thank you

Sent from my iPhone

From:  Jo Hussey <jo.hussey@oracle.com> Tuesday, March 31, 2015 5:20:03 PM 

Subject: Please uphold your "NO" vote to Newport's requests

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (7K)

Mr. Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA **not** reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.


Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.


Thank you,

Jo Hussey

8 Eagle's Nest Road


Westford, MA

From:  Cathy Richardson <catwrenn@yahoo.com>
Cathy Richardson <catwrenn@yahoo.com>

Tue, Mar 31, 2015 5:36:21 PM 

Subject: Newport Asphalt

To:  **Jeffrey Morrisette**


Attachments:  Attach0.html / Uploaded File (3K)

Mr. Morrisette,

I have a child that attends Miller and am concerned about the Newport Asphalt proposal. I cannot make it to tonight's meeting and am not sure how this works, but I support the ZBA in upholding their "no" votes. I request for this to be public record.


Thank you,
Cathy Richardson
9 Tadmuck Rd.
Westford

From:  Deb Huesgen <dhuesgen@gmail.com>

Tue, Mar 31, 2015 5:38:05 PM 

Subject: Fwd: Asphalt plant

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (3K)

Sent from my iPad

Begin forwarded message:

From: Deb Huesgen <dhuesgen@gmail.com>
Date: March 31, 2015 at 5:11:47 PM EDT
To: "jmorrisette@westford.gov" <jmorrisette@westford.gov>
Subject: Asphalt plant


Dear Mr Morrisette,

I would like my response to be apart of the public record. I would NOT like the asphalt plant to be approved. I do not think it is in the best interest of our community for many reasons, some including the amount of increased traffic along Route 40, as well as environmental concerns for our area. Please consider my response when voting on this issue.

Sincerely,
Debra Huesgen
13 fairview Drive
Westford, MA


Sent from my iPad

From:  jbvill@comcast.net

Tuesday, March 31, 2015 5:38:23 PM 

Subject: Asphalt Plant

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (3K)




Dear Mr Morrisette,


This is to state that we strongly oppose the Asphalt plant being considered in Westford.

Not only do we have concerns about the plant's potential negative impact on the ecosystem, but we are also concerned about the health impact on nearby residents and school children. Please let public record show our opposition, and let us know if you have any questions.

Regards

Thomas and Jennifer Villandry
25 Almeria Circle,
Westford, MA 01886

From:  Angelo Tracanna <angelotracanna@yahoo.com> Tue, Mar 31, 2015 5:49:21 PM 
Angelo Tracanna <angelotracanna@yahoo.com>
Subject: Fw: Help needed --5 minutes of your time today!
To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (16K)

Hello Jeff,

As I've mentioned in previous emails, I am very much not in favor of Newport moving into town.

Hoping the committee continues to vote NO.

thanks

Angelo Tracanna
4 Fawn Road
978-589-9799
Email: angelotracanna@yahoo.com

----- Forwarded Message -----

From: Joanna Myers <JoannaMyers@comcast.net>
To: owners@lakesidemeadows.com
Sent: Tuesday, March 31, 2015 10:17 AM
Subject: FW: Help needed --5 minutes of your time today!

Hello, neighbors.

I support stopping the building of an asphalt plant off of Route 40, so I'm passing on Julie's request. Please consider taking the few minutes to send an email today. She has helpfully included guidelines of what to write, as well as her draft.

Thanks,
Joanna
14 Eagle's Nest Rd.

From: Julie Reid [mailto:julie_reid@msn.com]
Sent: Tuesday, March 31, 2015 9:43 AM
To:

Subject: Help needed --5 minutes of your time today!

Hello all-

The Zoning Board of Appeals is meeting tonite to possibly change their "NO" vote to Newport, the company that has sued the Town of Westford to force Westford to allow them to manufacture asphalt in a Rt. 40 area. There will be 250 truck trips in and out each day.

Two weeks ago, the ZBA voted 'no' on two of Newport's requests...which would make it difficult for them to continue their quest. Newport has requested that the board reconsider their vote, and the ZBA is meeting tonite at the Blanchard Cafeteria at 7.

I know most people cannot attend. But if you can take 5 minutes and send an email to the Town Planner Jeff Morrisette for the ZBA, and ask that it be part of the public record, it would really help those of us who live on the Rt 40 side of town. Jeff's email is below as is a draft of what I am sending today. If you can send something similar to Mr. Morrisette's email address, ask that it be part of the public record, and put your name and address at the bottom, those of us that live near Rt. 40 would be grateful.

The plant will be less than 1/2 mile from the Miller School... An asphalt plant is not light manufacturing!

If you have friends from Westford who might also send an email, or attend the meeting, please forward this email.

jmorrisette@westfordma.gov

~~~~~  
Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.




I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.


Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.


Julie Reid  
8 Fernwood Dr.  
Westford, MA

---

From:  Michelle Wagner <michellewagner75@gmail.com> Tue, Mar 31, 2015 6:03:18 PM  

Subject: Zoning Board -- Please vote "no" against the asphalt plant and include my concern

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (2K)

---

Dear Mr. Morrisette,

I am writing to ask that the Zoning Board please continue to vote "no" against the asphalt plant. I live near Route 40, and my children have Asthma, so clean air is a pivotal concern that will affect my family directly. The air quality of Westford is crucial to many families, and the Miller School is in the direct path of this proposed plant.

Please make my concern a part of the permanent public record on this matter.

My address is:

Michelle Wagner  
14 Oak Rd  
Westford, MA 01886

Thanks very much for your time and consideration.

Sincerely,  
Michelle Wagner

---

From:  Elizabeth Jani <janiaj@aol.com> Tuesday, March 31, 2015 6:05:55 PM  

Subject: Re: For the Public Record RE: Newport Materials Groton Road

To:  Brant Berglund <brantberglund@gmail.com>

Cc:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (7K)

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Great job Brant. I wish I could be there tonight .  
Liz

Sent from my iPhone

On Mar 31, 2015, at 4:55 PM, Brant Berglund <[brantberglund@gmail.com](mailto:brantberglund@gmail.com)> wrote:

Jeff,

I wish to point out a few things for the public record:

1) There is growing ire among Westford citizens in regard to the boards understanding of the "redefinition of quiet" at 75 DB. Certain board members, prior to the vote on 03/18/15, openly said, "I don't know what I am voting on" and requested time to understand before voting, which Robert Hermann denied and pressed on for a vote regardless of the confusion on the matter.

There needs to be clarification to the public on this definition:

*"No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA (decibels) or 10 dBA (decibels) above ambient, whichever is lower, when measured at the property boundary of the receiving land use."*

Current public perception is that because they are planning to operate well over the allowed 10 db above ambient increase (which 53 db), then the 70/75 waiver is not relevant, unless the Zoning Board erroneously misinterprets what Judge Sands has said, which it is feared to have occurred at the 03/18/2015 meeting.



It is the consensus of many of us that with the way the applicant phrase their request for variance, the board responded to voting unanimously that 75 compared to 70 would be considered quiet, when it needs to be compared to the quieter of the two decibel levels, which is 10db louder than ambient or 43db, according to Judge Sands definition. This would be a major oversight by the Zoning Board.

We are looking for clarity into that matter, and feel the matter has not been put to rest until that time.

If the interpretation above is correct, is the zoning board aware that they have allowed Newport Materials to potentially operate at a decibel level 32db louder then ambient?

2) Given that there may be a change in the board members tonight, 03/31/2015, at the Zoning Board meeting where Newport will appeal the previous 2 variance applications in regards to site purpose, why will that version of the board be denied the ability to hear the concerns of the public that took place at the original denial of the variances on 03/18/2015?

Additionally, why is the public not allowed a chance to respond to any new information Newport Materials attempts to bring forward at tonight's meeting of the Zoning Board (03/31/2015)?

3) I would like the board to consider, again, that if any of the purposed variances were to be approved, the two sites that will be working in tandem as partners (Newport Material, and Fletcher Granite at Fletcher Quarry) will have potentially **5 Purposes** between their two sites. This is in direct conflict with what the zoning of the area was established for originally. This even more at odds with the current landscape in the community, which now has had neighborhoods constructed in close proximity to these 2 sites since the original zoning, namely the massive Russells Way neighborhood surrounding Rita Miller School, but also including Greystone and Fernwood. If an Asphalt Plant where installed prior to the creation of these neighborhoods, it would be different.

OMI Industries, the company that produces the proposed Ecosorb Material to attenuate asphalt fumes, says it perfectly in their collateral which Newport Materials has distributed at a few of the Zoning and Planning Board meetings:

*"When possible, hot mix plants are located in areas away from the residential and even commercial neighbors. Older plants find that although originally located in remote areas, the neighbors grow toward the plant and then complain about the odors associated with a facility that was there before them."*

*-pg 4 Ecosorb "Asphalt Industry" Pamphlet*



I urge the Zoning Board to realize that you are actually allowing a company to move an Asphalt Plant to move into a heavily residential neighborhood with your decisions this evening, something the creator of the Ecosorb material Newport will use clearly advises against, "when possible."

It is possible, by assuring that they operate within the current town by-laws with a single purpose to their site.


Thanks for your consideration, as well as your dedication and time to the town and people of Westford.


Brant Berglund  
Fernwood Drive

---

From:  Jennifer Smagula <jennwilson99@hotmail.com> Tue, Mar 31, 2015 6:20:53 PM 

Subject: ZBA vote on asphalt plant

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (2K)

---


Mr. Morrisette-


I would like it to be part of the public record that I do not support the manufacturing of asphalt in the Route 40 area of Westford. My daughter will be attending kindergarten at Miller school next year which I believe is less than 1/2 mile from the area in question and the toxins associated with the manufacturing of asphalt is of grave concern to me and my family.

Thank you for your consideration.

Jenn Smagula  
23 Buckboard Drive, Westford


---

From:  Cheryl Tsechrintzis <clr1130@msn.com>

Tue, Mar 31, 2015 6:29:59 PM 

Subject: No Vote to Newport

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (7K)

---

Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Thank you,



Cheryl Tsechrintzis

24 Lakeside Terrace

Westford, MA

---

From:  Pamela Connolly <pkcbuca@verizon.net>

Tue, Mar 31, 2015 6:35:04 PM  

Subject: Public Record

To:  **Jeffrey Morrisette**

---

Dear Mr. Morrisette,

As a resident who lives off of Route 40, I would like this email to be part of the public record and forwarded to all members of the Zoning Board of Appeals.


My request is that the ZBA not reconsider their No vote to Newports requests that were voted on at the last ZBA meeting.

If there is a reason that the ZBA feels they should reconsider the vote, Please re-open it to Public Hearing.

Thank you,


Pamela Connolly  
3 Weetamoo Way  
Westford, MA

From:  ssobrien0907@comcast.net

Tuesday, March 31, 2015 6:36:06 PM 

Subject: Newport asphalt

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (7K)

---

Mr.Morrisette,


I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.



I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.


Sheila O'Brien  
9 Kylemore Drive  
Westford, MA

From:  **MPKE** <mpkevineyard@gmail.com>

Tuesday, March 31, 2015 7:17:14 PM  

Subject: Fwd: Asphalt plant

To:  **Jeffrey Morrisette**

Attachments:  **Attach0.html / Uploaded File (3K)**

---

----- Forwarded message -----

From: **MPKE** <mpkevineyard@gmail.com>

Date: Mon, Mar 30, 2015 at 4:14 PM

Subject: Asphalt plant

To: [zba@westfordma.gov](mailto:zba@westfordma.gov)

At the last zoning board of appeals meeting, the use of Ecosorb to mask what will, no doubt, be noxious odors coming from Newport's proposed plant was discussed. A comparison to using Febreeze was drawn and I wanted to address what a ludicrous comparison it is.

Even the Newport representative acknowledged that the inappropriate use of and exposure to Febreeze was harmful. What is to say that the use of Ecosorb for the hours the plant is in operation will not be harmful...particularly when you take into consideration all of the children with lung and asthma issues.

I believe it is important that a more thorough study of the long term use of Ecosorb be conducted before the Board give approval to the proposed plant. How much will be emitted. During what hours? how does it effect groundwater, vegetation and wildlife.

Additionally, I once again object to the classification of an asphalt plant as light manufacturing:


<http://standardspeaker.com/news/court-upholds-denial-of-proposed-asphalt-plant-in-hazle-township-11108497>



Thank you for your time,

Patti Arnold  
17 Vineyard Rd.




Please read this into the public record

From:  <jacobsmeier@hotmail.com>

Tuesday, March 31, 2015 7:21:37 PM  

Subject: Asphalt plant

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (2K)

---

Dear Mr. Morissette,

I am writing in stern opposition to the Rte 40 asphalt plant. As an abutter to the Nabansset golf course, I am not only greatly concerned with the pollution and the chemicals that will be used to mask the smell, but also the amount of traffic that will be in and out of the plant.

I knew when I bought my house many years ago that there was a quarry. I never expected thereto be an industrial plant.

Please vote no.


Ann Jacobsmeier  
12 Nabnasset Street  
Westford

---

From:  daniel noel <dan77143@hotmail.com> Tuesday, March 31, 2015 7:22:35 PM 

Subject: Reject the asphalt plant

To:  **Jeffrey Morrisette**




Attachments:  Attach0.html / Uploaded File (2K)

---


I am writing as a concerned Westford resident, respectfully requesting that you reject the Asphalt plant as this causes great concern for the health and well being of our fellow residents and more importantly our children.  
Thank you


Dan Noel  
45 Keyes rd,  
Westford Ma, 01886

---

From:  bcornelius@comcast.net Tuesday, March 31, 2015 7:43:17 PM  

Subject: Fwd: Help needed --5 minutes of your time today!

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (11K)

---

Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Barbara and John Cornelius


10 Assabet Road

Westford, MA

---

From:  "Jenine M. Damiani" <thedamianis@hotmail.com> Tue, Mar 31, 2015 8:08:09 PM 

Subject: Asphalt plant on Rte.40

To:  **Jeffrey Morrisette**

---

Dear Jeff,

I am AGAINST having an asphalt plant in Westford!

Please make my NO ASPHALT PLANT IN WESTFORD vote part of the public record regarding the potential asphalt plant on Rte 49. I can not attend unfortunately.


Thank you,



Jenine Damiani

JMD

JMD

---

From:  Amy <amyjmora@yahoo.com>

Tuesday, March 31, 2015 9:39:07 PM  

Subject: Please add to the public record


To:  **Jeffrey Morrisette**


---

I'm requesting this be added to the public record that we are against the asphalt manufacturing plant. This is bad for our community, especially being so close to a school with small children.

Kindest Regards,  
Amy Mora  
7 Boxwood Rd  
Westford


Sent from my iPhone


From:  Peter Wong <p.chung.wong@gmail.com>

Tue, Mar 31, 2015 9:58:46 PM 

Subject: "NO" vote to Newport's requests

To:  **Jeffrey Morrisette**

Cc:  Peter Wong <p.chung.wong@gmail.com>

Attachments:  Attach0.html / Uploaded File (6K)

---

Mr.Morrisette,




I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.



I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Peter Wong  
12 Pond View Circle  
Westford, MA

From:  Anita Wong <anitawongok@gmail.com>  
Subject: "NO" vote to Newport's requests  
To:  **Jeffrey Morrisette**  
Cc:  Anita Wong <anitawongok@gmail.com>

Tue, Mar 31, 2015 10:03:11 PM  

Attachments:  Attach0.html / Uploaded File (5K)

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Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.





Anita Wong

12 Pond View Circle

Westford, MA

---

From:  Christina Cannellos <ccannellos@gmail.com>

Tue, Mar 31, 2015 10:13:34 PM  

Subject: Asphalt plant

To:  **Jeffrey Morrisette**

---

Good evening,

My name is Christina Cannellos Henschman, and I live on 7 Cherry Lane. I attended the ZBA meeting this evening to demonstrate opposition for the asphalt plant.



I grew up in Westford and moved back in 2013. Many things have changed for the positive in town, however I am truly shocked and horrified that Westford would consider this asphalt plant proposal. The environmental impact the children at Miller school and the families living nearby are a grave concern. My young son would be attending Miller so I have a personal interest as well.


Many of the individuals making the decisions for the town have had their own children grow up in safe school environments 10-20 years ago, and it is hypocritical to disregard this once they no longer have a vested interest.


I would appreciate your consideration and inclusion of this message in the public record.

Best regards,  
Christina

Sent from my iPhone

From:  Nirav Shah <nrshah@gmail.com>  
Subject: Asphalt plant - Plead uphold the NO vote  
To:  **Jeffrey Morrisette**

Tuesday, March 31, 2015 10:43:12 PM 

Attachments:  Attach0.html / Uploaded File (6K)

---

Mr.Morrisette,



I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.


I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Nirav Shah  
5 Blue Heron Drive

From:  lismacd@comcast.net  
Subject: say no to Asphalt Manufacture in Westford  
To:  **Jeffrey Morrisette**

Tuesday, March 31, 2015 11:05:06 PM 

Attachments:  Attach0.html / Uploaded File (9K)

---

Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Lisa MacDonald

---

From:  Susan Doherty <bsdoherty@verizon.net>

Wed, Apr 01, 2015 12:27:19 PM 

Subject: Asphalt Plant

To:  **Jeffrey Morrisette**

---

Although I was not able to attend, I would like to voice my concern for the proposed Asphalt facility. I live in Westford Center and feel strongly that this is a bad idea to build in Westford. I have a son with asthma and have read about the negative impacts on the air quality not to mention the additional traffic. I strongly feel that you should vote

Against this proposal.

Susan Doherty

62 Cold Spring Rd


Sent from my iPhone

---

From:  mjerzylo@comcast.net Wednesday, April 01, 2015 5:41:05 PM 

Subject: ZBA meeting last night

To:  shazelton@westfordma.gov  kross@westfordma.gov  
 asweet@westfordma.gov  dsiriani@westfordma.gov  
 jsullivan@westfordma.gov  **Jeffrey Morrisette**  
 jross@westfordma.gov  jmangiaratti@westfordma.gov

Attachments:  Attach0.html / Uploaded File (13K)

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Good Afternoon:

I have no confidence in the ZBA leadership after what I saw happen in person last night.

I do not know where to turn so I am hoping you can help with guidance.

It disturbs me greatly that we can take a vote, and on appeal throw away a vote, and go for a new vote (ie opening public meeting again). **Does this happen often in Town??**

I think this leads us down a slippery slope.

1. Last night myself and approximately 100+ other residents attended the ZBA hearing in regards to Newport Materials request for a 'reconsideration vote'.
2. One of the first orders of business initiated by the Chair (Mr. Herrmann) was to consult Town Counsel on the ramifications of 'reopening' the public hearing into the Newport Materials zoning variance request..
3. It SEEMED to me that Counsel advised Mr. Herrmann that '***unless there were any new facts/evidence pertinent to the decision making process***' from the previous meeting that we should not re-open discussion and the vote should stand as is. I assume the Town (ie you and me) pay Counsel to advise and guide the various Boards to keep us on the straight and narrow. Guidance that was not accepted by the Chair in this case.
4. Mr. Herrmann replied that there was indeed new data and that warranted a 're-opening of the

public discussion'.

5. Another ZBA member refuted Mr. Herrmann's statement by saying that the 'new' data was in fact two letters from applicant's counsel in regards to the 'previous meeting's behavior' and brought no new factual or scientific data to the table; and therefore the meeting should not be reopened.

6. Disregarding Counsel advice and fellow ZBA member guidance, Mr. Herrmann proceeded to call for a vote. On a vote of 3 (in favor) to 2 (opposed) the motion was passed to re-open the public meeting date TBD. Newport then granted the Town until mid-May to conduct this meeting. Ironically during the last Planning Board Meeting I believe Mr. Lewin requested an extension as well so the Planning Board could have another meeting/more guidance and Newport denied **that** motion.

7. As a taxpayer in this Town, I do not appreciate Mr. Herrmann's pro-applicant stance in this particular situation. This is my opinion.

Furthermore, I do not appreciate Mr. Herrmann's comment (at least 2 times) that we 'owe it to the Plaintiff to hear them out'.

I make no bones about it - I know nothing about politics other than what I go and see for myself.

I do the best I can. I vote. I attend Town meetings. I pay my taxes on-time. I get involved in the Community. I do the best I can with what I've got.

Long story short, and my question: ***I am trying to reach Town Counsel (can't find their contact info) to see if there is a way that any voter, at the start of the next ZBA meeting, can request that the hearing be CANCELLED on grounds that no new scientific data was presented and that we should adhere to the previous vote and not entertain the Plaintiffs request for a reconsideration.***





Thank you in advance for your time and considerations.....



Thanks,

Mike J

508-243-8784



From:  "route40cleanaircoalition@gmail.com" <route40cleanaircoalition@gmail.com> 4/1...    
Subject: Ecosorb Concerns  
To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (9K)  
 Salisbury\_final\_report.pdf / Uploaded File (1.1M)

---

Route 40 Clean Air Coalition

P.O. Box 1240

Westford, MA 01886

[route40cleanaircoalition@gmail.com](mailto:route40cleanaircoalition@gmail.com)

April 1, 2015

Town of Westford Planning Board

Town of Westford Zoning Board of Appeals

55 Main Street

Westford, MA 01886

We are writing to share our concerns regarding the odor neutralizing agent discussed by the applicant called EcoSorb. The material submitted to you contained a "Case Study" claiming that Ecosorb achieved "superlative" results, with odor complaints dropping off dramatically at an asphalt plant in North Carolina.

We searched for technical information in the public domain supporting Ecosorb's claims. The only information we were able to locate is contained in the attached Salisbury Air Quality Monitoring Study published by the North Carolina Division of Air Quality, Toxics Protection Branch, Air Toxics Analytical Support Team (ATAST).

The following information can be found on page 48:


"Due to over 400 odor complaints and H<sub>2</sub>S emission testing indicating the ineffectiveness of the Ecosorb system in reducing odorous emissions, in January 2002 DAQ withdrew Associated's temporary permit which previously allowed use of the Ecosorb scrubber."


While we understand Ecosorb produces many different products and the ATAST study is over a decade old, it still doesn't inspire confidence in the applicant's claims.

We contacted OMI Industries and requested supporting documentation and references to prove their claims. We were informed they do not release such information and they were unwilling to identify the actual location of this claimed success.

We are disturbed by these undocumented claims and are requesting your board ask the applicant to substantiate them. In the absence of verifiable documentation, we hope you will consider the "case study" merely a piece of marketing material.

---

From:  leticia.porter@prospeed.net

Thursday, April 02, 2015 1:57:42 PM 

Subject: Asphalt plant

To:  **Jeffrey Morrisette**

---

Dear Mr. Morrisette,

I am a resident of the Greystone neighborhood. I have been hearing about the asphalt plant meetings through the Friends of greystone group and I have to say I am quite concerned.

What concerned me the most lately is the fact that they said it seems the ZBA is trying to find a way to have this plant approved. I ask myself how that could be. I would think that you and other members of your board are on our side, the side of Westford residents. It is only logical, that you would be against something that would hurt the town, and one of its nicest neighborhoods.

Does any member of the board live near the proposed plant, and would therefore be affected by this? (Please answer this one because I think it will explain a lot)

Are you at all concerned that our kids will breath asphalt fumes?

Are you at all concerned that our property values will go down?

There used to be an asphalt plant in Chelmsford, near the Westford border on 110. I remember how it smelled. This company trying to build this is from Nashua. Why are they bringing their dirt to us?

Really I would like to know how it would be in the interest of your board to approve this. Is the town getting taxes or any other sort of revenue from this plant?


Is there a way I can contact other members of the board? I would like to ask them all these questions.

Thank you,  
Leticia Porter  
Westford resident for 15 years

From:  Scott Hazelton Thu, Apr 02, 2015 2:12:06 PM   
 Rhonda Fitzgerald <srskfitzgerald@gmail.com>

Subject: Fwd: ZBA meeting....

To:  Jodi Ross  **Jeffrey Morrisette**  **Chris Kluchman**

Attachments:  Attach0.html / Uploaded File (4K)

FYI

This was sent only to BOS and Planning Board members; no Town staff were included and I thought you should be aware of the citizen comment and question.

I cannot address her question as it is not a BOS issue. I defer to staff or Planning Board on that.

Scott

----- Original Message -----

Dear Selectman,

I attended the ZBA meeting on March 31, at which a vote occurred to reopen the public hearing for the Asphalt plant.

Since my understanding is that the selectmen appoint the ZBA members, I wanted to voice my concern/confusion over the reopening of this hearing.

From what I heard at the meeting, when asked, the town council said that the reason you would reopen a hearing is if new information was received (I am paraphrasing but this is what I understood him to mean). The town staff at the meeting indicated that the "new" information was just 3 letters from the applicant that were added to the same packet of information that the board already had reviewed and voted on previously (one complaining about the prior meeting, another summarizing the information in the packet, and another regarding something about executive session). There wasn't anything new with regards to the plant operations and permits being requested, so there really wasn't anything new to review but the board reopened the hearing anyway. It doesn't make any logical sense to me. A discussion, which occurred after the vote, even further clarified that what was received wasn't really new information. So, the question is, why were they allowed to reopen this if no new information was received and that is what town council said would be grounds for reopening?


Another question is that some residents have been asking for the electronic data files from newport that they used in their traffic study so that they can perform their own analysis using the data files. Does the town have any leverage to acquire these files? Newport stated privacy concerns as to why they were not providing them, but apparently did provide them back in 2009?


And finally, I urge you again, when this comes to vote before the Selectman to please vote no. Thank you for all of your hard work up to this point.

Thank you,

Rhonda Fitzgerald


107 Russells Way

From:  greg wu <wu.greg.001@gmail.com>

Friday, April 03, 2015 9:18:17 AM 

Subject: Say "NO" To Newport's Request.

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (3K)

---

Dear Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.


I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Greg Wu


8 Fernwood Dr.Westford, MA

From:  Ayesha Iyer <iyer.ayesha@gmail.com>

Friday, April 03, 2015 9:55:57 AM 

Subject: Asphalt

To:  **Jeffrey Morrisette**  zba@westfordma.gov

Attachments:  Attach0.html / Uploaded File (2K)

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To the Westford ZBA:

I would like to thank Paul MacMillan, Scott Fitzgerald and Jay Enis for voting to deny 2 out of the 3 proposals put forth by Newport Materials.


This proposed asphalt plant will have detrimental effects to our quality of life and property; many questions still remain about the facility regarding traffic and the usage of odor-absorbers.



**To the zba members that voted to deny, I am pleading with you to hold your ground and not be swayed by Doug Deschenes's letter. Your constituents are counting on you to make the right decision!**

Thank you,

Ayesha Iyer


Westford MA

From:  Xiaoyu Huang <huang.sharie@gmail.com>

Fri, Apr 03, 2015 5:01:42 PM  

Subject: Voice from Westford resident.

To:  **Jeffrey Morrissette**

Attachments:  Attach0.html / Uploaded File (4K)

---

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA **not** reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.



There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.


Xiaoyu Huang  
2 Birchwood Drive,  
Westford, MA




---

From:  "Karen B. Anderson" <karen.b.anderson@verizon.net> 4/3/2015 7:42:24 PM 

Subject: Asphalt plant

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (8K)

---

Mr. Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Karen Anderson  
76 Russell's Way

Westford, MA

From:  Zhiying <zhiying\_h@yahoo.com>

Friday, April 03, 2015 10:43:39 PM 

Subject: Westford needs clean air

To:  **Jeffrey Morrisette**

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Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.


Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Zhiying Hou  
19 Caldwell Dr.  
Westford, MA

Sent from my iPhone

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From:  Cindy Li <cindyxinlee@yahoo.com>

Friday, April 03, 2015 11:07:20 PM 

Subject: NO Asphalt

To:  **Jeffrey Morrisette**

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Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Cindy Li  
5 Shipley cir  
Westford, MA

---

From:  Jianqun Chen <jianqunc@yahoo.com>

Sat, Apr 04, 2015 7:01:30 AM 

Subject: Hold "No" to Newport's request

To:  **Jeffrey Morrisette**

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Dear Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Jianqun Chen  
Westford, MA resident


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From:  Xiaoling Zhu <zhuxiaoling@hotmail.com>

Sat, Apr 04, 2015 10:25:03 AM 

Subject:

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (4K)

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Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA **not** reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.


Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Xiaoling Zhu

10 Kayla dr  
Westford


Sent from my iPhone

From:  Raymond Xie <xieyinggang@gmail.com>

Sat, Apr 04, 2015 11:01:13 AM 

Subject: Please uphold your "NO" vote

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (5K)

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Dear Mr.Morrisette,

I have lived in Westford for the last 15 years and have enjoyed the clean air and beautiful environment since 2000. Recently this asphalt plant project has caused lots of concern to me and the local community. If the plant can be safely operated, you need to explain it to the local people here. I support the following message drafted by one of the local resident.

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.


Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Raymond Xie

2 True Bean Way, Westford, MA

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From:  lupingq@yahoo.com

Saturday, April 04, 2015 12:03:34 PM 

Subject: Clear Air of Westford

To:  **Jeffrey Morrisette**

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Mr. Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.



I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.


Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Luping Quan  
475 groton Rd.  
Westford, MA

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From:  Wayne Wagner <delorean2447@gmail.com> Sat, Apr 04, 2015 1:49:56 PM 

Subject: Zoning Board -- Please vote "no" against the asphalt plant and include my concern

To:  **Jeffrey Morrisette**

Attachments:  0xE853FECC.asc / Uploaded File (5K)

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Dear Mr. Morrisette,

I am writing to ask that the Zoning Board please continue to vote "no" against the asphalt plant. I live near Route 40, and my children have Asthma, so clean air is a pivotal concern that will affect my family directly. The air quality of Westford is crucial to many families, and the Miller School is in the direct path of this proposed plant.

I am also concerned about the stigma that an asphalt plant brings to an area, which in turn can impact property values. I've worked too hard all my life in the private sector and serving my country to have my home asset diminished in value.

Please make my concern a part of the permanent public record on this matter.

My address is:

Wayne Wagner  
14 Oak Rd  
Westford, MA 01886




Thanks very much for your time and consideration.

Sincerely,  
Wayne Wagner  
USN Retired












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From:  Joe Gabriel <1joegabe1@gmail.com> Sat, Apr 04, 2015 7:11:38 PM  

Subject: Westford Asphalt Plan: Just Say No

To:  shazelton@westfordma.gov  kross@westfordma.gov  
 asweet@westfordma.gov  dsiriani@westfordma.gov  
 jsullivan@westfordma.gov  mgreen@westfordma.gov  
 mlewin@westfordma.gov  khollister@westfordma.gov  
 dgalvin@westfordma.gov  zba@westfordma.gov  
 dearl@westfordma.gov

Cc:  **Jeffrey Morrisette**  ck1uchman@westfordma.gov  
 jross@westfordma.gov  jmangiaratti@westfordma.gov  
 "joegabe@comcast.net" <joegabe@comcast.net>  
 Carol Ann Gabriel <carol.ann.gabriel@oracle.com>

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Town Selectman, Planning Board and ZBA members,  
Thank you for all that you do to make Westford one of the best towns in the state of Massachusetts. As a resident for almost 23 years, we've seen tremendous growth and change in the town. The people of this community are passionate about maintaining and preserving the character of this community. We all experience this enthusiasm at Town Meetings and through the many conversations we have with each other at our churches, sporting events and other informal gatherings.


With regards to the proposed Asphalt Plant, I would be surprised if you have heard any positive support from community members or Westford families for this proposal. These are the people who will be impacted the most if this proposal is approved. The recent editorial in the April 2nd edition of the Westford Eagle summed up all the reasons why this is not a good investment for the town of Westford: the proximity of the plant to neighborhoods, schools and daycare facilities, the traffic impact and more importantly for those that live close by, the potential decline in property value. It's ridiculous to think that the town's master plan does not permit drive-through windows but allow an asphalt manufacturing plant to call Westford home.


I urge you to consider the precedent you may set for other businesses and property owners if you allow this proposal to pass. The interpretation of light manufacturing and multi-purpose use on a property could create similar "opportunities" on other properties throughout the town of Westford.

Additionally, town counsel and Judge Sands have made it clear that this is YOUR decision, not Newport's nor the courts. I am confident that you will not be distracted or deterred from threats and "bullying" such as those made by Attorney O'Reilly in his March 30 correspondence with the town, eg. several statements of "...Newport is entitled to approvals from the Planning Board and ZBA...".

Lastly, ZBA's recent decision to re-open the public hearing on this matter is egregious. There was no new information presented in the letters sent to the ZBA on the 30th of March and the vote by the board to re-open happened extremely quickly, before debate amongst board members could occur. We believe it is in the best interest of the boards to reevaluate the proceedings from this meeting and reconsider not reopening the public hearing.


Sincerely,  
Joe Gabriel & Family  
3 Fernwood Drive

From:  s\_b\_h <s\_b\_h@hotmail.com>

Monday, April 06, 2015 12:03:14 PM 

Subject: **Zoning Board of Appeals**

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (9K)

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Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.



Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Segev Ben Hayon

5 Lakeside Terrace


Westford, MA

From:  jin.lee@foodservicesolution.com

Monday, April 06, 2015 12:10:30 PM  

Subject: asphalt plant off of Route 40

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (7K)

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Dear Mr.Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non- conforming use Special permit.


There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.


Regards,


Hsiaojin Lee  
18 Shipley Cir.  
Westford


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From:  Jayesh Patel <jayesh\_patel\_@hotmail.com> Mon, Apr 06, 2015 12:56:57 PM 

Subject: Regarding Newport's request

To:  **Jeffrey Morrisette**

Cc:  Jayesh Patel <jayesh\_patel\_@hotmail.com>

Attachments:  Attach0.html / Uploaded File (3K)

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Mr. Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals.

I would respectfully request that the ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.

There is no reason to reconsider the vote and it is my request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

Please uphold your "NO" vote to preserve the quality of life for those Westford residence that live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Thanks,

Jayesh patel

3 Loon Way, Westford


---

From:  Renny Clark <clarkr03@gmail.com> Mon, Apr 06, 2015 4:33:22 PM 

Subject: Please Do NOT reconsider Newport Materials Asphalt Plant Request

To:  **Jeffrey Morrisette**

Cc:  mgreen@westfordma.gov  mlewin@westfordma.gov  
 dgalvin@westfordma.gov  khollister@westfordma.gov  
 Jody Phillips-Clark <jpclark4@gmail.com>

Attachments:  Attach0.html / Uploaded File (5K)

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Dear Mr. Morrisette,

I would like to request that this email be part of the public record, and forwarded to all members of the Zoning Board of Appeals (ZBA) ASAP.

I respectfully request that the Wesford, MA ZBA not reconsider their "NO" vote to Newport's requests that were voted on at the last ZBA meeting. The board heard from the people in attendance, and then voted 'no' to Newport's request for an additional principal use variance and 'no' to an extension pre-existing non-conforming use Special permit.

There is no reason to reconsider the vote and it is my urgent request that the ZBA stand by their original vote. If for any reason the ZBA thinks they should reconsider the vote, then they should also re-open the Public Hearing. The ZBA cut short the discussion when there were people waiting to be heard.

The proposed asphalt plant would result in the release of tons of chemicals into the air, including cancer causing pollutants, and increase noise pollution in a highly residential area. Additionally, property values would suffer. These concomitant effects are unacceptable in my view.

Please uphold your "NO" vote to preserve the quality of life for those Westford residents who live in the Rt. 40 area, and those that use Rt. 40 on a daily basis.

Sincerely yours,




Warren and Johanna Clark

6 Lakeside Terrace


Westford, MA 10886





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From:  "route40cleanaircoalition@gmail.com" <route40cleanaircoalition@gmail.com> 4/7...  

Subject: Rt 40 Clean Air Coalition TIA Comments 04-06-2015

To:  **Jeffrey Morrisette**

Attachments:  Attach0.html / Uploaded File (2K)  
 Rt 40 CAC TIA Comments 04-06-2015.pdf / Uploaded File (416K)

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Hi Jeff,

Forwarding electronically, as promised at the meeting.

Thanks, Alisa.